



## CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH  
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*Health Commissioner*

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*Director*

Facility Compliance & Enforcement  
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August 7, 2012

**US MAIL, CERTIFIED MAIL DELIVERY 7010 2780 0002 7798 8802**

Attn: Charles D. Barksdale Jr.,  
Manager, Environmental Department  
Sunoco, Inc., Philadelphia Refinery  
3144 Passyunk Avenue  
Philadelphia, PA 19145-5299

**In the Matter of: Sunoco Philadelphia Refinery, 3144 Passyunk Avenue, Philadelphia,  
PA 19145**

To the Above Addressee:

### **ADMINISTRATIVE ORDER**

The City of Philadelphia (City) Department of Public Health, Air Management Services (AMS) hereby finds air contaminant sources (sources) at the Sunoco, Inc. (Sunoco) Philadelphia and the Marcus Hook Refineries belong to a single source, installation, or facility pursuant to 40 C.F.R. §§ 51.165(a)(1)(i)-(ii), 51.166(b)(5)-(6), 52.21(b)(6), 63.2, 70.2, 71.2; 25 Pa. Code §§ 121.1, 127.1-127.802; and Air Management Regulation (AMR) XIII. Pursuant to Philadelphia Code (Phila. Code) Section 3-305, AMS hereby Orders Sunoco to amend Philadelphia Refinery Title V Operating Permit (TVP) Renewal Application No. V06-016 to include all Marcus Hook Refinery sources.

### **FINDINGS**

1. AMS is charged under the Philadelphia Code with the enforcement of Title 3 thereof, known as the Air Management Code, and the AMRs promulgated there under which

incorporate certain state and federal regulations including those of the Environmental Quality Board of Pennsylvania limiting discharge of air contaminants and setting emission standards for air contaminant control (Title 25, Article III of the Pennsylvania Code, Chapters 121-145), and those of the United States Environmental Protection Agency (EPA) specifying measures for Prevention of Significant Deterioration of Air Quality (40 C.F.R. Part 52, Section 52.21), Standards of Performance for New Stationary Sources (40 C.F.R. Part 60), National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Part 61), and National Emission Standards for Hazardous Air Pollutants for Source categories (40 C.F.R. Part 63);

2. The City is authorized pursuant to the Pennsylvania Air Pollution Control Act (APCA), 35 P.S. §§ 4001 et seq., to enforce its provisions and pursue remedies and fines as prescribed thereby;
3. The City's AMRs are part of the EPA approved State Implementation Plan for Philadelphia County for the Metropolitan Philadelphia Interstate Air Quality Control Region, 40 C.F.R. §§ 52.2020, et seq., pursuant to the Federal Clean Air Act (CAA), 42 U.S.C. §§ 7401, et seq. and incorporates Pennsylvania Department of Environmental Protection (PADEP) regulations pertaining to the construction, modification, reactivation, and operation of air contamination sources, 25 Pa. Code §§ 127.1-127.802, by reference;
4. AMS implements and enforces an approved air pollution control program within the City that meets or exceeds the requirements of the CAA and the APCA pursuant to 35 P.S. § 4012(b);
5. Sunoco currently owns and operates two petroleum refineries: 1) the Philadelphia Refinery with an expired, TVP issued by AMS (TVP No. V95-038) and 2) the Marcus Hook Refinery with a current TVP issued by PADEP (TVP No. 23-00001);
6. On or about June 2006, Sunoco submitted TVP Renewal Application No. V06-016 to AMS for the Philadelphia Refinery;
7. On or about July 23, 2012, Sunoco submitted an application for an Administrative Amendment to the Marcus Hook Refinery TVP No. 23-00001 to PADEP that requested that "[t]he refining sources . . . at the Marcus Hook [R]efinery shall be considered a single source with Sunoco's Philadelphia [R]efinery for the purposes of NSR and PSD regulations and permitting";
8. For CAA Prevention of Significant Deterioration (PSD) and Title V Programs, a group of stationary sources that are: 1) located on one or more contiguous or adjacent properties, 2) are under common control of the same person (or persons under common control), and 3) belong to a single major industrial grouping may be considered a single source, facility, or installation pursuant to 40 C.F.R. §§ 51.165(a)(1)(i)-(ii), 51.166(b)(5)-(6), 52.21(b)(6), 63.2, 70.2, 71.2;
9. For the nonattainment New Source Review (NSR) Program, a group of stationary sources that are: 1) located on one or more contiguous or adjacent properties, and 2) are owned

and operated by the same person under common control are considered a single facility pursuant to 25 Pa. Code §§ 121.1, 127.201-218 and AMR XIII.

10. The Marcus Hook Refinery and the Philadelphia Refinery are under the common control of Sunoco and belong to the same, Petroleum Refining major industrial grouping (SIC code 2911);
11. The Marcus Hook Refinery and the Philadelphia Refinery, while seventeen (17) miles apart, are connected by three proprietary pipelines that are used solely to transfer feedstocks, products, and intermediates between the refineries;
12. Sunoco has submitted substantial information supporting an “adjacent” finding, and therefore a single source determination, for the Marcus Hook Refinery and the Philadelphia Refinery:
  - Materials are routinely transferred between the refineries
  - Production process are split between the refineries
  - Sunoco personnel routinely shuttle between, and coordinate joint operations, at both refineries
  - Operations at one refinery support or are essential to operations at the other refinery
13. On August 7, 2012, PADEP officially determined that the sources located at the Marcus Hook Refinery permitted under TVP No. 23-00001, and the sources located at the Philadelphia Refinery permitted under TVP No. V95-038, shall be considered a single source, for NSR, PSD, and Title V applicability purposes;
14. AMS concurs with the PADEP’s determination that the sources located at the Marcus Hook Refinery permitted under TVP No. 23-00001, and the sources located at the Philadelphia Refinery permitted under TVP No. V95-038, shall be considered a single source for NSR, PSD, and Title V applicability purposes;

NOW THEREFORE, upon full review and consideration of the above findings, including the CAA, the APCA, the Air Management Code, and the respective regulations promulgated thereunder, AMS has concluded that it is appropriate and beneficial to include certain provisions of the Marcus Hook Refinery TVP No. 23-00001 in the pending Philadelphia Refinery TVP Application No. V06-016. It is hereby further ORDERED as follows:

15. Sunoco shall amend Philadelphia Refinery TVP Renewal Application No. V06-016 to include the following language:

***The air contaminant sources located in Sunoco’s Marcus Hook refinery which are permitted under Title V operating Permit No. 23-00001 and the air contaminant sources located in Sunoco’s Philadelphia refinery which are permitted under Title V operating Permit No. V95-038 shall be considered as a single facility for New Source Review (NSR), Prevention of Significant Deterioration (PSD) and Title V applicability purposes.***

16. All other provisions of the expired Philadelphia Refinery TVP No. V95-038 are unaffected by this Order, and shall continue in full force and effect until a new TVP for the Philadelphia Refinery is issued;

Pursuant to Phila. Code § 3-305(5), Sunoco has five (5) days to request an administrative hearing, before the Health Commissioner, on this Order. Such an administrative hearing request must be made in writing, be accompanied by a copy of this Order, and be directed to:

Attn: Thomas Huynh, Director  
City of Philadelphia Department of Public Health, Air Management Services  
321 University Ave., 2<sup>nd</sup> Floor  
Philadelphia, PA 19104

Pursuant to § 5-1005 of the Philadelphia Home Rule Charter, Sunoco also has thirty (30) days to file an administrative appeal of this Order to the Board of Licenses and Inspections Review (BLIR). Any such appeal must be made in writing, be accompanied by a copy of this Order, and be directed to:

Board of License and Inspection Review  
Municipal Services Building, 11<sup>th</sup> Floor  
1401 JFK Blvd.  
Philadelphia, PA 19102

The exercise of any of the administrative appeal rights provided in the Philadelphia Home Rule Charter and the Philadelphia Code does not prevent the Commonwealth and/or the EPA from taking separate enforcement action, will not stay any above ORDERED action, or stay other enforcement remedies available to the City. Such enforcement remedies include, but are not limited to, license / permit revocation, assessment of civil penalties of up to \$25,000 per violation per day, criminal prosecution, and other required remedial actions.

**CITY OF PHILADELPHIA DEPARTMENT OF PUBLIC HEALTH**

Donald F. Schwarz, MD, MPH  
Health Commissioner

By:

  
Thomas Huynh, Director  
Air Management Services

Date

8/7/2012